

# Notice of Allowability

Application No.

09/893,998

Examiner

Arnel C. Lavarias

Applicant(s)

CEMIC ET AL.

Art Unit

2872

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/6/05, 5/12/05, 4/12/05, 2/14/05.
2. ☒ The allowed claim(s) is/are 2,5-6 (renumbered 1-3).
3. ☒ The drawings filed on 29 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

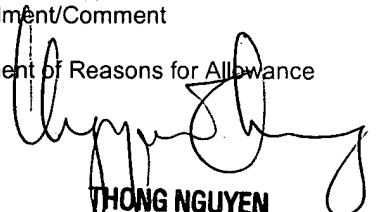
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 7/6/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**THONG NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2800**

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submissions filed on 2/14/05 and 5/12/05 have been entered.

### ***Response to Amendment***

2. The amendments to Claims 2, 5-6 in the submission dated 5/12/05 are acknowledged and accepted.
3. The cancellation of Claims 10-12 in the submission dated 5/12/05 is acknowledged and accepted.

### ***Response to Arguments***

4. The Applicants' arguments, see in particular Pages 9-10 of the submission, filed 5/12/05, with respect to the rejections of Claims 2, 5-6, have been fully considered and are persuasive. The rejections of Claims 2, 5-6, 10-12 in Sections 10-13 of the Office Action dated 10/12/04 have been withdrawn.

*Allowable Subject Matter*

5. Claims 2, 5-6 are allowed.

**EXAMINER'S AMENDMENT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Song Zhu (202-624-2673) on 7/6/05.

The application has been amended as follows:

Cancel Claims 3-4, 7-8.

Claim 5, line 16, after "a detector device for determining the", delete "values of X and Y".

Claim 6, line 18, after "a detector device for determining the", delete "values of X and Y".

7. The following is an examiner's statement of reasons for allowance:

Claim 2 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest an illumination device, as generally set forth in Claim 2, the illumination device including, in combination, the homogenizing optical

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system comprising a microhoneycomb condenser and a lens member which superimposes the exit opening of the fiber bundle in an intermediate image plane to form a homogeneous intermediate image, and wherein the homogenization occurring in an intermediate image plane that is outside of an object and is performed only by the homogenizing optical system.

Claims 5-6 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a coordinate measuring instrument, as generally set forth in Claims 5-6, the coordinate measuring instrument including, in combination, the homogenizing optical system homogenizing the nonuniform intensity distribution in the image field of the light emerging from the optical fiber bundle, and a detector for determining the coordinates of the feature within the X-Y displaceable measurement stage.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

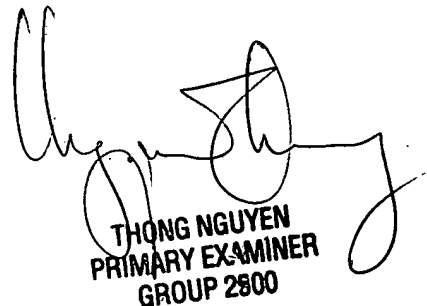
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias

7/6/05



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